

REMARKS

Claims 1, 2, and 4-19 are pending in this application.

Applicant has amended claims 1, 18, and 19. The changes to the claims made herein do not introduce any new matter.

Allowable Subject Matter

Applicant appreciates the Examiner's indication that claims 4-6 and 12 define allowable subject matter. Applicant's responses to the issues raised in the Office Action are set forth below.

Claim Amendments

Applicant has amended each of independent claims 1, 18, and 19 to specify that 1) the ink color triangle circumscribes the ink color circle, and 2) an arbitrary point in the ink color circle is mapped to a corresponding point in an inscribed circle of the ink color triangle. Support for these changes to claims 1, 18, and 19 can be found in Applicant's specification in, for example, Figures 6 and 8.

Rejections Under 35 U.S.C. § 103

Applicant respectfully requests reconsideration of the rejection of claims 1 and 17-19 under 35 U.S.C. § 103(a) as being unpatentable over *Sawamura et al.* ("Sawamura") (US 5,012,299) in view of the *Horváth* publication and *Axelrod* (US 5,860,518). As will be explained in more detail below, the combination of *Sawamura* in view of *Horváth* and *Axelrod* would not have rendered the subject matter defined in independent claims 1 and 17-19, as amended herein, obvious to one having ordinary skill in the art.

In formulating the obviousness rejection, the Examiner asserts that the use of an ink color triangle and the mapping from the ink color circle to the ink color triangle would have been obvious to one having ordinary skill in the art. Applicant respectfully traverses the

Examiner's position regarding the alleged obviousness of the claimed subject matter for the following reasons.

First, in column 16, line 51 through column 17, line 23, the *Sawamura* reference teaches that color circle 101 shown in Figure 17b is displayed, and that when a point in the color circle 101 is touched by the user, the color distribution of the three primary colors is displayed with color bars 103. As a color can be easily selected by the color circle 101 shown in the *Sawamura* reference, one having ordinary skill in the art would not have seen any need to use mapping from the color circle 101 to a color triangle. As such, there would not have been any motivation for one having ordinary skill in the art to combine the applied references in the manner proposed by the Examiner.

Although circles and triangles are both relatively simple figures, Applicant is not aware of any teachings or well-known art regarding mapping from a circle to a triangle. Consequently, the Examiner's assertion that such mapping would have been obvious to one having ordinary skill in the art is not supported by the applied references, and instead is based on improper hindsight gleaned from Applicant's disclosure.

Second, in color management technology, the equations applied to the additive color mixture of RGB are significantly different from those applied to the subtractive color mixture of CMY. For example, in the additive color mixture, tristimulus values of any color can be represented by simple addition of the tristimulus values of the RGB components, whereas in the subtractive color mixture tristimulus values of a color cannot be represented by simple addition or subtraction of the tristimulus values of the CMY components. As such, one having ordinary skill in the art would not have been motivated to modify the RGB color triangle taught by *Horváth* to a CMY color triangle.

Thus, for at least the foregoing reasons, one having ordinary skill in the art would not have been motivated to combine the *Sawamura*, *Horváth*, and *Axelrod* references in the

manner proposed by the Examiner. Furthermore, even if one having ordinary skill in the art were to combine the references in the manner proposed by the Examiner, this combination would not have resulted in the presently claimed subject matter because of the above-discussed differences between the equations applied to additive color mixture of RGB and the subtractive color mixture of CMY. Therefore, the combination of the *Sawamura*, *Horváth*, and *Axelrod* references would not have rendered the subject matter defined in present independent claims 1, 18, and 19 obvious to one having ordinary skill in the art.

With regard to independent claim 17, Applicant maintains the position that the subject matter defined in claim 17 is patentable under 35 U.S.C. § 103(a) over the combination of *Sawamura* in view of *Horváth* and *Axelrod* for the reasons set forth in the Amendment filed on March 11, 2009.

Accordingly, independent claims 1 and 17-19, as amended herein, are patentable under 35 U.S.C. § 103(a) over the combination of *Sawamura* in view of *Horváth* and *Axelrod*.

Applicant respectfully requests reconsideration of the rejection of claims 2 and 16 under 35 U.S.C. § 103(a) as being unpatentable over *Sawamura* in view of *Horváth* and *Axelrod*, and further in view of *Samworth* (US 5,297,058). Each of claims 2 and 16 depends from claim 1. The *Samworth* reference does not cure the above-discussed deficiencies of the combination of *Sawamura* in view of *Horváth* and *Axelrod* relative to the subject matter defined in present claim 1. Accordingly, claims 2 and 16 are patentable under 35 U.S.C. § 103(a) over *Sawamura* in view of *Horváth* and *Axelrod*, and further in view of *Samworth* for at least the reason that each of these claims depends from claim 1.

Applicant respectfully requests reconsideration of the rejection of claim 7 under 35 U.S.C. § 103(a) as being unpatentable over *Sawamura* in view of *Horváth* and *Axelrod*, and further in view of *Okawara et al.* (“*Okawara*”) (US 5,317,678). Claim 7 depends from claim

1. The *Okawara* reference does not cure the above-discussed deficiencies of the combination of *Sawamura* in view of *Horváth* and *Axelrod* relative to the subject matter defined in present claim 1. Accordingly, claim 7 is patentable under 35 U.S.C. § 103(a) over *Sawamura* in view of *Horváth* and *Axelrod*, and further in view of *Okawara* for at least the reason that this claim depends from claim 1.

Applicant respectfully requests reconsideration of the rejection of claims 8-11 and 13 under 35 U.S.C. § 103(a) as being unpatentable over *Sawamura* in view of *Horváth* and *Axelrod*, and further in view of the *Oken et al.* publication. Each of claims 8-11 and 13 ultimately depends from claim 1. The *Oken et al.* publication does not cure the above-discussed deficiencies of the combination of *Sawamura* in view of *Horváth* and *Axelrod* relative to the subject matter defined in present claim 1. Accordingly, claims 8-11 and 13 are patentable under 35 U.S.C. § 103(a) over *Sawamura* in view of *Horváth* and *Axelrod*, and further in view of the *Oken et al.* publication for at least the reason that each of these claims ultimately depends from claim 1.

Applicant respectfully requests reconsideration of the rejection of claims 14 and 15 under 35 U.S.C. § 103(a) as being unpatentable over *Sawamura* in view of *Horváth* and *Axelrod*, and further in view of *Shimada* (US 2003/0038870 A1). Each of claims 14 and 15 ultimately depends from claim 1. The *Shimada* reference does not cure the above-discussed deficiencies of the combination of *Sawamura* in view of *Horváth* and *Axelrod* relative to the subject matter defined in present claim 1. Accordingly, claims 14 and 15 are patentable under 35 U.S.C. § 103(a) over *Sawamura* in view of *Horváth* and *Axelrod*, and further in view of *Shimada* for at least the reason that each of these claims ultimately depends from claim 1.

Conclusion

In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of claims 1, 2, and 4-19, as amended herein, and submits that these claims are

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in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at **(408) 749-6902**. If any additional fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. MIPFP180).

Respectfully submitted,
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